

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte THOMAS C. MIELENHAUSEN

Application 09/309,831

MAILED

APR 24 2006

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on March 30, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing are identified below.

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On May 29, 2001, appellants filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner considered the IDS or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

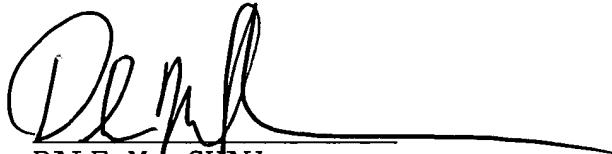
Additionally, the Examiner's Answer mailed June 29, 2005 is non-compliant with the new Rule set forth in 37 CFR § 41.39 effective September 13, 2004.

Accordingly, it is ORDERED that the application is return to the Examiner to:

- 1) consider the Information Disclosure Statements filed May 29, 2001;
- 2) provide appropriate written notification by the examiner to appellants of such consideration;
- 3) to have a copy of the consideration of the Information Disclosure Statement scanned into the record;

- 4) submit a revised Examiner's Answer in accordance with the new rules effective September 13, 2004; and
- 5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCE



DALE M. SHAW

Program and Resource Administrator
(571)272-9797

DMS/pgc

cc: Briggs and Morgan A.
2200 IDS Center
80 South 8th St.
Minneapolis, MN 55402